



ATTORNEY DOCKET NO. TB 104IA-US 1915/13971US02

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

Applicants:

Sander, Tom, *et al.*

U.S. Serial No.: 09/701,933

Filed: August 20, 2001

For: "ELONGATED CORTICAL BONE  
IMPLANT" (AS AMENDED)

Group Art Unit: 3738

Examiner: Bruce Edward Snow

I hereby certify that this paper (and all papers referred to herein) is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

December 29, 2003

*Michael B Harlin*

Michael B. Harlin

Registration No. 43,658

Attorney for Applicants

RESPONSE UNDER 37 C.F.R. § 1.114

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
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Sir:

In response to the Official Action of 09/29/03, finally rejecting all claims (claims 59-71), for which a response was filed 11/23/03 proffering an amendment to the specification and claim 65, which was denied in the Advisory Action of 12/10/03, the Applicants hereby request continued examination under 37 C.F.R. § 1.114. In requesting continued examination, the Applicants request that the Examiner enter the amendments to the specification and to claim 65 as submitted in the Applicants' Second Response Under 37C.F.R. § 1.116, filed 11/23/03.

This document is accompanied by a check in the amount of \$770.00 to cover the fee under 37 C.F.R. § 1.17(e). In the event that any additional fee is due as a result of filing this paper, the Assistant Commissioner is hereby authorized to charge such fees to deposit account No. 13-0017 in the name of McAndrews, Held & Malloy.

01/05/2004 CNGUYEN 00000122 09701933

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#22  
P. U. F.  
Check for deposit  
1/8/04

Respectfully submitted,

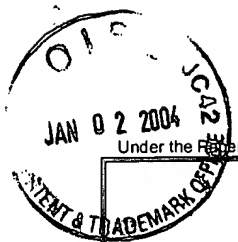
**McANDREWS, HELD & MALLOY, LTD.**

By: Michael B Harlin

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Dated: December 29, 2003

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/701,933
		Filing Date	08/20/01
		First Named Inventor	Tom Sander, et al.
		Group Art Unit	3738
		Examiner Name	Bruce Edward Snow
		Attorney Docket Number	1915/13971US02
Total Number of Pages in This Submission		4	

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached - \$770.00 <input checked="" type="checkbox"/> Response Under 37 C.F.R. §1.114 <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO 1449/08A with references <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) (        sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Reply postcard
Remarks		<b>RECEIVED</b>  JAN 08 2004  TECHNOLOGY CENTER

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	Michael B. Harlin, Reg. No. 43,658 McAndrews Held & Malloy, Ltd.		
Signature	<i>Michael B Harlin</i>		
Date	December 29, 2003		

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 29, 2003			
Name (Print/type)	Michael B. Harlin	Registration No. (Attorney/Agent)	43,658
Signature	<i>Michael B Harlin</i>	Date	12/29/03



PTO-2038/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032  
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<b>FEE TRANSMITTAL</b> <b>for FY 2004</b>  Patent Fees are subject to annual revision.		<b>Complete if Known</b>	
		Application Number	09/701,933
		Filing Date	08/20/01
		First Named Inventor	Tom Sander, et al.
		Examiner Name	Bruce Edward Snow
		Group Art Unit	3738
TOTAL AMOUNT OF PAYMENT (\$770.00)		Attorney Docket No.	1915/13971US02

METHOD OF PAYMENT		FEE CALCULATION (continued)	
<b>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</b>  Deposit Account Number: 13-0017 Deposit Account Name: McAndrews Held & Malloy <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<b>3. ADDITIONAL FEES</b>	
<b>2. <input checked="" type="checkbox"/> Payment Enclosed:</b> <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other			
<b>FEE CALCULATION</b>			
<b>1. BASIC FILING FEE</b> Large Entity Small Entity Fee Fee Fee Fee Code (\$) Code (\$) Fee Description Fee Paid			
1001 770 2001 385 Utility filing Fee		1051 130 2051 65 Surcharge - late filing fee or oath	
1002 340 2002 170 Design filing Fee		1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet	
1003 530 2003 265 Plant filing fee		1053 130 1053 130 Non-English specification	
1004 770 2004 385 Reissue filing fee		1812 2,520 1812 2,520 For filing a request for <i>ex parte</i> reexamination	
1005 160 2005 80 Provisional filing fee		1804 920* 1804 920* Requesting publication of SIR prior to Examiner action	
SUBTOTAL (1) (\$0)		1805 1,840* 1805 1,840* Requesting publication of SIR after Examiner action	
<b>2. EXTRA CLAIM FEES</b>		1251 110 2251 55 Extension for reply within first month	
Total Claims <input type="text"/> - 20** = <input type="text"/> x <input type="text"/> = <input type="text"/>		1252 420 2252 210 Extension for reply within second month	
Independent Claims <input type="text"/> - 3** = <input type="text"/> x <input type="text"/> = <input type="text"/>		1253 950 2253 475 Extension for reply within third month	
Multiple Dependent <input type="text"/> = <input type="text"/> = <input type="text"/>		1254 1,480 2254 740 Extension for reply within fourth month	
Large Entity Small Entity Fee Fee Fee Fee Code (\$) Code (\$) Fee Description Fee Paid		1255 2,010 2255 1,005 Extension for reply within fifth month	
1202 18 2202 9 Claims in excess of 20		1401 330 2401 165 Notice of Appeal	
1201 86 2201 43 Independent claims in excess of 3		1402 330 2402 165 Filing a brief in support of an appeal	
1203 290 2203 145 Multiple dependent claim, if not paid		1403 290 2403 145 Request for oral hearing	
1204 86 2204 43 **Reissue independent claims over original patent		1451 1,510 1451 1510 Petition to institute a public use proceeding	
1205 18 2205 9 **Reissue claims in excess of 20 and over original patent		1452 110 2452 55 Petition to revive - unavoidable	
SUBTOTAL (2) (\$0)		1453 1,330 2453 665 Petition to revive - unintentional	
*or number previously paid, if greater; For Reissues, see above		1501 1,330 2501 665 Utility issue fee (or reissue)	
		1502 480 2502 240 Design issue fee	
		1503 640 2503 320 Plant issue fee	
		1460 130 1460 130 Petitions to the Commissioner	
		1807 50 1807 50 Processing fee under 37 CFR 1.17(q)	
		1806 180 1806 180 Submission of Information Disclosure Stmt	
		8021 40 8021 40 Recording each patent assignment per property (times number of properties)	
		1809 770 2809 385 Filing a submission after final rejection (37 CFR § 1.129(a))	
		1810 770 2810 385 For each additional invention to be examined (37 CFR 1.129(b))	
		1801 770 2801 385 Request for Continued Examination (RCE)	
		1802 900 1802 900 Request for expedited examination of a design application	
		Other fee (specify) Fee under 37 C.F.R. § 1.17(e) 770.00	
		SUBTOTAL (3) (\$770.00)	

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Michael B. Harlin	Registration No. (Attorney or Agent)	43,658	Telephone	312/775-8000
Signature	<i>Michael B. Harlin</i>	Date	December 29, 2003		

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